

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

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MDL No. 2:18-mn-2873-RMG

This Document Relates to:

See list of plaintiffs and case numbers included in
Exhibit A - ECF No. 6472-1

**REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO
SERVE TURNOUT GEAR PLAINTIFF FACT SHEETS**

The moving Defendants ("Defendants")¹ respectfully submit this Reply in Support of their Motion to Dismiss. (Dkt. 6472.)

Plaintiffs Bruce Owens (Case No. 2:24-cv-03025) and Daniel W. Wilborn III (Case No. 2:24-cv-03024) did not respond to Defendants' motion and have not submitted completed turnout gear fact sheets ("TOG PFS"). As such, their cases should be dismissed as Defendants request in their motion.

In addition, Plaintiffs who listed themselves in their Exhibit B (Dkt. 6523-2) should be dismissed pursuant to CMO Nos. 5 and 5F. These Plaintiffs had ample time to submit the required TOG PFS. Plaintiffs had 98 days to serve completed TOG PFSs (CMO No. 5F ¶ 5), and many asked Defendants for additional extensions of time to do so. Those extensions were all granted,

¹ The following Defendants join in this motion: AllStar Fire Equipment; CB Garment, Inc.; Fire-Dex LLC; Globe Manufacturing Company, LLC; Honeywell International Inc.; Honeywell Safety Products USA, Inc.; Innotex Corp.; Lakeland Industries, Inc.; L.N. Curtis & Sons, Inc.; Lion Group, Inc.; Mallory Safety & Supply, LLC; Milliken & Company; Morning Pride Manufacturing, LLC d/b/a Honeywell First Responder Products; MSA Safety Sales, LLC; Municipal Emergency Services, Inc.; Narcote Holding Corporation; Narcote LLC d/b/a Stedfast USA, Inc.; Northeast Rescue Systems, Inc.; PBI Performance Products, Inc.; Ricochet Manufacturing Co., Inc.; Safety Components Fabric Technologies, Inc.; Safety Components, Inc.; Southern Mills Inc. dba Tencate Protective Fabrics; Sperian Protective Apparel USA, LLC; Stedfast USA Inc.; Veridian Limited; Witmer Public Safety, Inc.; and W. L. Gore & Associates, Inc. ("Defendants").

in addition to separate, informal extensions of time. All that time lapsed, and no further extensions were requested. These Plaintiffs still did not serve completed TOG PFSs. Thus, CMOs 5 and 5F provide that dismissal is proper at this stage for these Plaintiffs. If any intends to serve a late TOG PFS after dismissal, then those orders already set forth a fourteen-day process (that Plaintiffs agreed to) in which to do so. (CMO No. 5 ¶ 16(c); CMO No. 5F ¶ 3.)

Finally, Defendants agree that their motion is moot with respect to Plaintiffs listed in their Exhibit A (Plaintiffs who served late TOG PFSs) (Dkt. 6523-1) and Exhibit C (Plaintiffs who dismissed their claims) (Dkt. 6523-3).

Accordingly, Plaintiffs Bruce Owens (Case No. 2:24-cv-03025) and Daniel W. Wilborn III (Case No. 2:24-cv-03024), as well as Plaintiffs listed in their Exhibit B (Dkt. 6523-2), should be dismissed under the terms of CMOs 5 and 5F.

Dated: January 3, 2025

Respectfully submitted,

/s/ Mark Cheffo

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DCC Turnout Gear Defendants Liaison

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2025, a copy of the foregoing was served electronically via the Court's CM/ECF system.

/s/ Mark Cheffo
Mark S. Cheffo